

Montague Conservation Commission

One Avenue A, Turners Falls, MA 01376

(413) 863-3200 Ext. 207

Fax: (413) 863-3222

Email: planner@montague-ma.gov

MEETING MINUTES

Thursday, January 25, 2018

Upstairs Meeting Room, Town Hall, One Avenue A, Turners Falls, MA

Commissioners Present: Mark Fairbrother - Chair, Justin Fermann, Deb Henson Donna Francis, and Sean Werle (6:55PM).

Commissioners Absent: Alex Peterkin and Addie Rose Holland

Staff: Walter Ramsey – Agent

Guests: Mark Stinson, Janice Stone MACC & Former Conservation Agent in Hadley/South Hadley MA and Kaitlin Young – Planning Department Intern

Mark Fairbrother called the meeting to order at 6:30 PM.

6:30 PM Approval of Minutes:

Motion made by Justin Fermann to approve the October 12, 2017 minutes as amended. Seconded by Mark Fairbrother. **Motion passed.** Deb Henson abstained from vote.

Motion made by Donna Francis to approve the November 16, 2017 minutes. Seconded by Mark Fairbrother. **Motion passed.** Donna Francis and Justin Fermann abstained from vote.

6:31 PM Consideration of Potential Agricultural Preservation Restriction: Map 39 Lot 37 Old Greenfield Road (36 Acres)

Guest: Chip Garbiel

Chip Garbiel is considering an Agricultural Preservation Restriction (APR) on this lot. The MA Department of Agriculture has made an offer. This parcel is currently surrounded all by APR land and the Garbiel piece would be a great addition to be preserved. According to the Agent, the parcel is prime farmland soil that is ripe for conversion to single family homes. Among the town's conservation priorities, this parcel of land ranks very high, likely amount the top 3 most important parcels to protect in Montage.

The parcel is Map 39 Lot 37 and is located on Greenfield Road consisting of 36 acres owned by Chip Garbiel. The State's offer is \$425,000 which comes to \$11,806 per acre. A 10% local match is required per Dept of Agriculture. The proposed town match would be \$32,500 (7.6%). The agent has been in discussion with Franklin Land Trust which is willing to give \$10,000 to help the town meet the 10% match. The Department of Agricultural Resources is going to contribute \$382,500. The Town of Montague Conservation Fund has approximately \$50,000 currently in reserves. If the Agricultural Preservation Restriction is accepted by Garbiel the Town would be a co-holder of the APR but the Department of Agricultural would do all the monitoring of the APR and it is currently farmed and used for hay by the Garbiel family. The closing will not happen until later in the summer. Chip expressed his gratitude to the commission.

Motion made by Deb Henson to authorize the expenditure of up to \$32, 500 from the Conservation Fund to put into APR protection Map 39 Lot 37. Seconded by Donna Francis. **Motion passed unanimously.**

6:45 PM Discussion of Wetlands Protection Act current policies and procedures with Mark Stinson, Wetlands Circuit Rider for the Department of Environmental Protection Western Region.

Guests: Mark Stinson and Janice Stone

Mark Stinson, Wetlands Circuit Rider for DEP addressed the Commission regarding current policies and procedures regarding the Wetlands Protection Act. Walter provided a list of relevant topics ahead of the meeting and Mark addressed each:

- Riverfront Redevelopment projects are common theme in Montague. Becoming more familiar with the limitations/ standards would be helpful for the board. New riverfront development always requires an alternatives analysis – which forces you to build outside the riverfront area if there is an option to do so. In 1997, the riverfront protection act was created. Prior to 1997, you could build in the riverfront area if the deed was recorded at the registry of deeds by 1996. Redevelopment has a definition of “somewhere on that piece of land there is “degraded area/absent of topsoil”. If there is a degraded area that is present prior to 1996 you can develop in the riverfront area. The main point being is it has to be an improvement over the existing conditions thus leaving the riverfront better than before is mandatory. Even though the project complies with the criteria it has to take into consideration improvement, mitigation and restoration. The improvement outweighs the rest as a primary requirement for redevelopment. An example of this is: the Conservation Commission in North Adams proposed invasive species removal as part of a mitigation which can not be done as it is not ongoing in perpetuity.
- Utility and solar projects take up most of the commission’s workload so any insights on those topics will help. Utilities/Projects most of them are exempt through an NOI process but sometimes it is not exempt and DEP has issued enforcement orders in those cases. A case in point is an enforcement order that was issued (Northfield, MA) against Eversource for not being in compliance. The issue being a common occurrence with Eversource is that they can and need to maintain their 12 foot access roads to utility projects, but can’t widen the access roads as this is not exempt when it is done. They can replace a tower even in the wetlands but have to come to DEP under section 401 of the Clean Water Act where DEP will then issue a permit and use work pads (not exempt) during the project. Mark pointed out that cutting in the wetlands is not considered fill; so there is no offsetting by replication. Cutting in the wetlands is considered an impairment or destruction of existing wetlands areas. The regulations state not to allow for impairment or destruction of the existing wetland vegetation community. In doing a solar project on a farm or in a forested area is not a good use of resources. Seeing a solar farm on a brownfield as a reuse project is a much better use of resources. To have a forested area go into a meadow/grass area it gives you loss of shade and additional run off. This also would add more water to a wetland and would be seen as an impairment of an existing wetland community. This type of situation gives the Commission the ability to deny a NOI if it comes in to the Conservation Commission. Denial is the burden of the Commission. For denial there has to be a lack of information to comply with performance standards
- Ideas on how other communities use wetlands protection funds (other than for salaries). Montague has accrued a balance of 17K- and rarely tapped the fund. Can be used to purchase equipment (GPS, ipad, tablet, screen, etc.), do wetlands delineations on town land, and pay for commissioner education
 - Is Montague unusual among our peers in not having a local wetlands bylaw? No
 - Highway Departments should bundle NOIs for general maintenance for example, beaver issues, culvert clearing under certain circumstances they would then have an Order of Conditions already in place.

- The Commission then played a rousing rendition of Wetland Protection Act Jeopardy with host, Mark Stinson. The game was an exercise to refresh Commissioner's knowledge of the Wetlands Protection Act.

7:20 PM Conservation Agent Updates:

a. 2018 Conservation Commission Meeting Schedule and Work plan

Everyone accepted the 2018 schedule as presented. Work plan was skipped due to the timing tonight. The Conservation Commission will revisit the work plan at the February meeting.

b. Correspondences with DEP regarding EO #2016-01 – 420 Turners Falls Road

DEP outreached to Walter a few weeks ago saying that they have initiated the collections process with Mr. Smith.

8:10 PM Motion made by Mark Fairbrother to adjourn the meeting. Seconded by Justin Fermann.
Motion passed unanimously.

Approved by: _____ Date: _____

Exhibits:

- October 12, 2017 Minutes
- November 16, 2017 Minutes
- APR - Garbiel
- EO #2016-01 420 Turners Falls Road
- 2018 Conservation Commission Meeting Schedule
- Mark Stinson Handouts